

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

UNIMED PHARMACEUTICALS,
INC., a Delaware Corporation, and
LABORATORIES BESINS
ISCOVESCO, a Delaware
Corporation,

Plaintiffs,

v.

PADDOCK LABORATORIES, INC.,
a Minnesota Corporation,

Defendant.

Civil Action No.

File No. 1:03-CV-2503-TWT

**DEFENDANT PADDOCK LABORATORIES, INC.'S MOTION
FOR PARTIAL SUMMARY JUDGMENT OF INVALIDITY OF
CLAIMS 1-30 OF THE '894 PATENT FOR LACK OF A WRITTEN
DESCRIPTION AS REQUIRED BY 35 U.S.C. § 112**

COMES NOW Paddock Laboratories, Inc. ("Paddock"), defendant in the above-styled action, and, pursuant to Rule 56 of the Federal Rules of Civil Procedure, hereby moves this Court for a partial summary judgment holding that Claims 1-30 of U.S. Patent No. 6,503,894 are invalid (both as issued and as purportedly corrected by the Certificate of Correction) because their reference to a range for sodium hydroxide constitutes new matter under

35 U.S.C. §132 and lacks a written description as required by 35 U.S.C. §112.

This motion is based upon all pleadings and other papers of record in this action and is supported by the Statement of Material Facts as to Which There Are No Genuine Issues to Be Tried and the Memorandum of Law filed concurrently herewith.

Dated: October 18, 2005

Respectfully submitted,

_____/s/_____
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CERTIFICATE OF SERVICE

I hereby certify that on October 18, 2005, a true and correct copy of the foregoing document was filed electronically via CM/ECF in the United States District Court for the Northern District of Georgia, with notice of same being electronically served by the Court, addressed to:

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This 18th day of October, 2005.

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